

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

OCT 31 2012

CLERK, U.S. DISTRICT COURT

By

Deputy

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

§

v.

§

No. 4:12-CR-191-Y

§

DERREK STEVEN KATES (01)

§

FACTUAL RESUME

INDICTMENT: Count One: Conspiracy to Distribute and to Possess a Controlled Substance with intent to Distribute (methamphetamine) (in violation of 21 U.S.C. § 846; 841(a)(1) and (b)(1)(B))

PENALTY: \$5,000,000 fine - not less than 5 years nor more than 40 years imprisonment, or both such fine and imprisonment, plus a term of supervised release of not less than 4 years.

MAXIMUM PENALTY:

\$5,000,000 fine and not less than five (5) years imprisonment nor more than forty (40) years imprisonment, plus a term of supervised release of not less than 4 years. If the defendant violates any condition of supervised release, the Court may revoke such term of supervised release and require the defendant to serve an additional period of confinement. Further the Court must impose a Mandatory Special Assessment of \$100.00.

ELEMENTS OF THE OFFENSE:

The essential elements which must be proved beyond a reasonable doubt in order to establish the offenses charged in Count One of the Indictment are as follows:

First: That two or more persons, directly or indirectly, reached an agreement to distribute or possess with intent to distribute a controlled substance, as charged in the indictment;

Second: That the defendant knew of the unlawful purpose of the agreement;

Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose; and

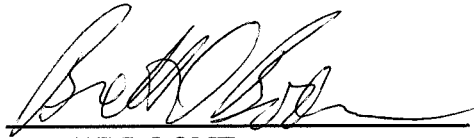
Fourth: That the overall scope of the conspiracy involved 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

STIPULATED FACTS:

In July 2012, a confidential informant purchased approximately 1.3 grams of methamphetamine from Natassia Gress, and on a separate occasion, approximately 3.8 grams of methamphetamine from Derrek Kates. On July 11, 2012, in Tarrant County, Texas, investigators executed a search warrant at the residence of Derrek Kates and Natassia Gress and found approximately 180 grams of methamphetamine in the residence. Therefore, Derrek Kates and Natassia Gress conspired with each other and others to distribute and possess with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine.

SIGNED this 11th day of October, 2012.


DERREK STEVEN KATES
Defendant


BRETT BOONE
Counsel for Defendant